Canadian Forces Grievance Board

For the period 2008-09 to 2010-11

Report on Plans and Priorities

The Honourable Peter G. MacKay
Minister of National Defence

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SECTION I – OVERVIEW

Chairperson's Message

As Chairperson of the Canadian Forces Grievance Board, I am pleased to submit to you the Report on Plans and Priorities for the Canadian Forces Grievance Board for the period 2008-09 to 2010-11.

The Board is an independent, quasi-judicial body, accountable to Parliament through the Minister of National Defence for administrative purposes.

In 2007–08, the Office of the Auditor General examined three small entities, one of which was the Canadian Forces Grievance Board. In its analysis, the Auditor General found that the Board managed well in all six areas covered by the audit. In conclusion, the Auditor General was generally satisfied with the findings and made no recommendations to the Board. We have always promoted a culture of accountability and strong management and the results of this audit reaffirm our commitment to continue in that direction.

With this view in mind, we have set our plans and priorities aimed at maintaining a steady state of productivity and excellence. It is the Board's view that it will achieve these goals by ensuring efficient operations and by preserving a diverse range of knowledge and experience needed to sustain the highest quality in the Board's findings and recommendations that we send to the Chief of the Defence Staff.

We will continue our discussions and cooperation with the Director General Canadian Forces Grievance Authority (DGCFGA) and the Vice Chief of the Defence Staff (VCDS), to improve the grievance process at the Final Authority level. These discussions also include broadening the Board's mandate so that all Canadian Forces members have access to an independent review of their grievances. It bears repeating that currently, the Board examines only approximately 40% of the files received at the Chief of the Defence Staff level. It is our strong belief that all Canadian Forces members, regardless of the type of grievance being filed, should have access to an outside, independent review of their grievances.

In addition, we intend to continue to reinforce the Board's visibility by enhancing external communication approaches to increase the level of knowledge about our organization among members of the Canadian Forces.

As I have often said, the Board has proven its worth and raison d'être since its inception. It now has the maturity and experience to do more for the Canadian Forces and its members.

Diane Laurin
Chairperson

Management Representation Statement

I submit for tabling in Parliament, the 2008-09 Report on Plans and Priorities (RPP) for the Canadian Forces Grievance Board.

This document has been prepared based on the reporting principles contained in the *Guide for the preparation of Part III of the 2008-09 Estimates: Reports on Plans and Priorities and Departmental Performance Reports:*

- It adheres to the specific reporting requirements outlined in the Treasury Board Secretariat guidance;
- It is based on the department's strategic outcome and Program Activity Architecture that were approved by the Treasury Board;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved planned spending numbers from the Treasury Board Secretariat.

Name: Diane Laurin
Title: Chairperson

Raison d'être

Mission

To review grievances, in order to render fair and impartial findings and recommendations in a timely and informal manner to the Chief of the Defence Staff (CDS) and the grievor.

A Unique Role

As stipulated in the *National Defence Act* (NDA) and Chapter 7.12 of the *Queen's Regulations and Orders for the Canadian Forces* (QR&O), the Board's mandate is to review all military grievances referred to it by the Chief of the Defence Staff (CDS). Following its review, the Board submits its findings and recommendations (F&Rs) to the CDS, simultaneously forwarding a copy to the grievor. It is the CDS, however, who is the final adjudicator on the grievance.

The Board, which has quasi-judicial powers, can summon witnesses and compel them to give oral or written evidence. The Board can also order the production of documents or things. Although hearings would normally be held in private, the Chairperson can deem that a public hearing would benefit the participants and serve the public's interest. Chapter 7.12 of the QR&O sets out the types of grievances that can be referred to the Board. Specifically:

(1) The Chief of the Defence Staff shall refer to the Grievance Board any grievance relating to the following matters:

(a) Administrative action resulting in the forfeiture of, or deductions from, pay and allowances, reversion to a lower rank or release from the Canadian Forces;

(b) Application or interpretation of Canadian Forces policies relating to expression of personal opinions, political activities and candidature for office, civil employment, conflict of interest and post-employment compliance measures, harassment or racist conduct;

(c) Pay, allowances and other financial benefits; and

(d) Entitlement to medical care or dental treatment.

(2) The Chief of the Defence Staff shall refer every grievance concerning a decision or an act of the Chief of the Defence Staff in respect of a particular officer or non-commissioned member to the Grievance Board for its findings and recommendations.

Section 29.12 of the NDA stipulates that the CDS may also refer any other grievance to the Board. As an administrative tribunal, the Board is independent of the Department of National Defence (DND), although DND has overall responsibility for the grievance process in which it operates. The Board reports to Parliament through the Minister of National Defence, who tables the Board's Annual Report.

Board Structure

The Board consists of Governor in Council appointees who decide, alone or in panel, on any given case. Board Members are responsible for reviewing grievances and issuing findings and recommendations to the CDS.

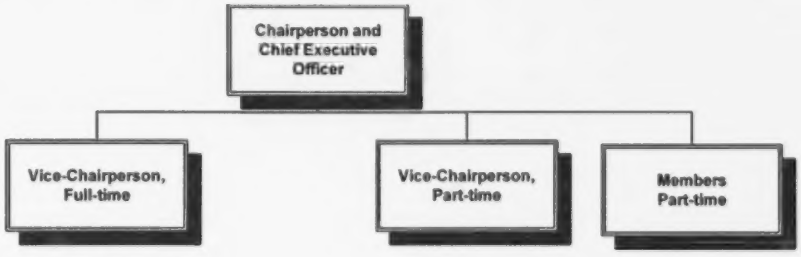
Under the NDA, the Governor in Council may appoint a full-time Chairperson, at least one full-time Vice-Chairperson and one part-time Vice-Chairperson. In addition, the Governor in Council may appoint any other full- or part-time Members the Board needs to carry out its functions. Appointments may be for up to four years and may be renewed. The Governor in Council may also remove Members for cause.

Although Board Members and staff are civilians, they include former military personnel. This mix ensures the range of knowledge and experience necessary for the Board's work.

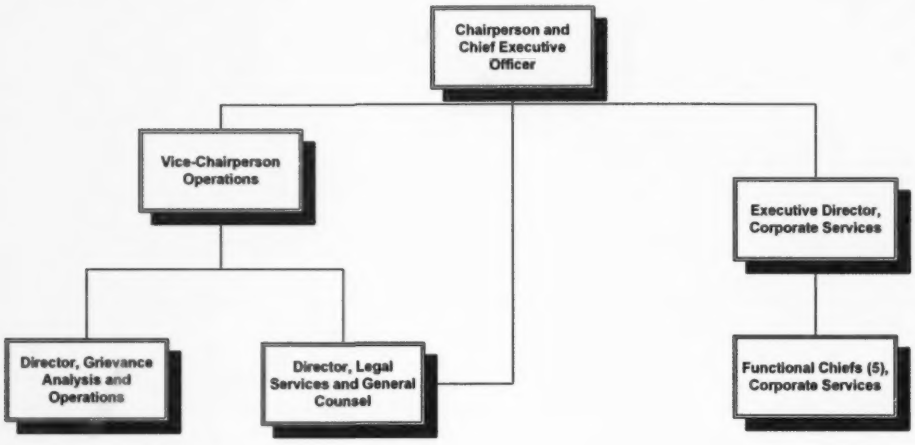
The role of Board employees is to support the work of the Board Members. Grievance officers and legal counsel work particularly closely with Board Members to provide analyses and legal opinions on a wide range of issues. The Board's Corporate Services Group's responsibilities include strategic planning, performance reporting, human resources, finance, IM/IT and communications.

Organizational Information

Board Members



The Management Team


Chairperson and Chief Executive Officer
Vice-Chairperson Operations
Executive Director, Corporate Services
Director, Grievance Analysis and Operations
Director, Legal Services and General Counsel
Functional Chiefs (5), Corporate Services

- The Chairperson and Chief Executive Officer is ultimately accountable for the work carried out by the Board.
- The Chairperson, the Vice-Chairperson and other Board Members are primarily supported in their work by the Director, Grievance Analysis and Operations.
- Grievance officers review individual grievances and seek legal input and advice when conducting their research.
- In addition to providing legal advice to grievance officers and Members of the Board, legal counsel led by the Director, Legal Services and General Counsel, also provide legal opinions to the Chairperson and the Vice-Chairperson on a wide range of issues.
- The Executive Director is responsible for providing Internal Services (Corporate and Administrative Services) to support the operations, including strategic business planning and performance reporting, in addition to communications, finance, administration, information management and technology and human resources services.

Voted and Statutory Items displayed in the Main Estimates

($ thousands) Vote or Statutory Item	Canadian Forces Grievance Board	2008-09 Main Estimates	2007-08 Main Estimates
15	Program expenditures	**5,864**	5,830
(S)	Contributions to employee benefit plans	**572**	599
	Total for department	**6,436**	6,429

Departmental Planned Spending and Full Time Equivalents

($ thousands)	Forecast Spending 2007-08	**Planned Spending 2008-09**	Planned Spending 2009-10	Planned Spending 2010-11
Review Canadian Forces Grievances referred by the Chief of the Defence Staff.	3,348	**3,354**	3,354	3,354
Internal Services (Corporate and Administrative Services)	3,081	**3,082**	3,082	3,082
Budgetary Main Estimates (gross)	6,429	**6,429**	6,429	6,429
Total Main Estimates	6,429	**6,436**	6,436	6,436
Adjustments:				
Supplementary Estimates				
Collective Bargaining				
Total Adjustments	0	**0**	0	0
Total Planned Spending	6,429	**6,436**	6,436	6,436
Total Planned Spending	6,429	**6,436**	6,436	6,436
Plus: Cost of services received without charge	261	**261**	261	261
Total Departmental Spending	6,690	**6,697**	6,697	6,697
Full Time Equivalents	46.0	**46.0**	46.0	46.0

Summary Information

Financial Resources ($ thousands)

2008-09	2009-10	2010-11
$6,436	$6,436	$6,436

Human Resources *

2008-09	2009-10	2010-11
46	46	46

* Includes Board Members appointed by Governor in Council.

Departmental Priorities

Name	Type
Priority #1 Operational performance	Ongoing
Priority #2 External Communications	Ongoing

Program Activities by Strategic Outcome

Strategic Outcome: Findings and Recommendations of the Canadian Forces Grievance Board are implemented and lead to improved conditions of service for members of the Canadian Forces.

($ thousands)	Expected Results	Planned Spending			Contribution to the following priority
		2008-2009	2009-2010	2010-2011	
Program Activity: Review of Canadian Forces grievances referred by the Chief of the Defence Staff	▪ Fair, impartial and transparent Findings and Recommendations delivered expeditiously. ▪ Findings and Recommendations (F&R) assist the CDS in rendering decisions on grievances. ▪ Better understanding and application of regulations, policies and guidelines governing the conditions of work within the CF.	3,354	3,354	3,354	Priorities #1, #2.
Enabling Activities: Internal Services (Corporate and Administrative Services)	▪ Sound internal management practices in accordance with the Treasury Board of Canada Secretariat (TBS) Management Accountability Framework (MAF)	3,082	3,082	3,082	Priorities #1, #2.

Departmental Plans and Priorities

Priority #1 Operational Performance

- ***Maintain steady state productivity & excellence***

The Board will strive to maintain the high-quality of its findings and recommendations and efficiency of its operations. It is essential to retain a broad range of knowledge and experience necessary to maintain the Board's optimum performance standards. The Board will continue to assess its recruitment approaches and strategies through the development of its Human Resources Plan with emphasis on succession planning. The Board will also maintain a strong focus on learning, for both new and existing staff.

Plans

- Strengthening performance through monitoring the Performance Measurement Strategy.
- Maintaining a consistent state of operations by seeing that its timeline standards are met while ensuring reasonable cost per grievance.
- Preserving the highest level of expertise appropriate to each case.
- Applying rigorous quality control mechanisms.
- Ensuring ongoing process improvements and updates to rules of procedures.

Risks

- Loss of credibility and relevance vis-à-vis members and leadership of the Canadian Forces.

- ***Improving the Canadian Forces Grievance System***

Apart from constantly striving to improve its own process, the Board has actively contributed towards improving the Canadian Forces grievance system as a whole, notably at the Final Authority level. Formal grievances are handled by a two-level process. All grievances that are not resolved to the satisfaction of the grievor by the appropriate Initial Authority can be submitted directly to the Chief of the Defence Staff (CDS) as the Final Authority (FA) in the process.

Over the years the system has performed well, nevertheless, as well as the Board, the CDS and the Vice Chief of the Defence Staff (VCDS) have expressed concern with regards to the duplication of analysis by the staff of the Director General Canadian Forces Grievance Authority (DGCFGA) on grievances already analyzed by the Board. In an effort to make the whole process increasingly efficient and timely for grievors, the DGCFGA and the Board put in place a process that substantially eliminated administrative duplication at the final authority (CDS) level, allowing for a more streamlined and transparent process for mandatory referred grievances.

The overall grievance system would also be improved by a broadening of the Board's mandate. Currently the Board sees only 40% of the grievances at the Final Authority level. Consequently, 60% of grievors do not have the opportunity to have their complaint reviewed by an independent body. In expanding the Board's mandate, not only would confidence in the overall system be heightened, but there would now be one process for all grievances. The result would be that every grievor would have the benefit of an independent review of their grievance, external to the Canadian Forces.

The VCDS directed that a document addressing the question of the Board's expanded mandate, as well as the resource implications be prepared for further assessment.

Priority #1 Operational Performance

Plans

- Knowledge sharing with stakeholders/partners involved in the military grievance system.

Risks

- Loss of credibility and relevance vis-à-vis members and leadership of the Canadian Forces.
- Failure to meet expectations of a more timely and efficient grievance system.

- ***Ensure the overall effective management and leadership of the CFGB***

Achieving excellence in management requires ongoing strengthening of the Board's internal management practices consistent with the standards of management outlined in the Management Accountability Framework (MAF).

The Board will continue to integrate human resources planning with the business planning process of the Department. Furthermore, it will develop HR plans which will focus on Official Languages, Employment Equity and Learning Strategies, as well as providing consistency with the renewal of the Public Service.

The Board will address leadership competencies in Performance Evaluations and implement a Performance Management System.

Plans

- Reinforcing sound internal management.
- Ensuring careful stewardship of human and financial resources.
- Providing training and developmental opportunities for employees.

Risks

- Risk of damaging the reputation of the Board by not ensuring the overall effectiveness of its management.

Priority 2 External communications

- ***Reinforce visibility of CFGB***

External communications continue to be a priority with the Board. It is an important activity which assists the Board in keeping its stakeholders informed about its role within the CF grievance system, its work and the progress it has achieved since its inception in 2000.

To this end, the Board intends to maintain and increase information sessions, presentations and participation in activities which will contribute to the achievement of its external communications goals. The activities that have proven to be effective outreach mechanisms include tours of military bases, presentations to key stakeholder groups, brochure mail-outs, and articles featured in military newsletters.

The Board's work is further promoted via its Web site, where case summaries of grievances are posted on a regular basis. This particular forum and other electronic tools operate at the forefront of its external outreach strategy. For example, the Board has developed an electronic newsletter that was launched in January 2007. The E-Bulletin aims at keeping CF members abreast of recent and compelling grievance cases, the Board's findings and recommendations in such cases, and what were the CDS final decisions. The newsletter will also be instrumental in attracting subscribers to the Board's Web site.

Plans

- Reaching out to our clients and stakeholders;
- Learning from and sharing information through exchanges with members of the military, stakeholders and target audiences.
- Positioning the Board at senior level forums.
- Disseminating information on the impact of the Board's work.
- Participating in discussions and collaborating with other partners on the development of tools in order to collectively communicate on the grievance system as a whole.

Risks

- Failure to meet expectations and loss of credibility.
- Lack of understanding of the Board's role.

Major Factors Influencing the Board

The external factors are as follows:

At the operational level

- The timely appointments of Board Members, whether they be full or part-time by the Governor in Council.
- The unknown number of grievances that could be filed by members of the military in any given year.
- Delays at any point in the CF grievance process.
- The existence of the different players at Department of National Defence/Canadian Forces (DND/CF) overseeing the same or similar grievance matters on behalf of the military, such as the Director General, Canadian Forces Grievance Authority (DGCFGA), the Conflict Management Program (CMP) and the Office of the Ombudsman.
- Amendments to the *National Defence Act.*
- A judicial review by the Federal Court of decisions of the Chief of the Defence Staff on grievances that had been reviewed by the Board.

At the corporate level

- Compliance with various central agency initiatives and conformance to their requirements of reporting and accountability, activities that are a challenge in a small organization with limited resources.

The internal factors are:

- Workforce profile, including skills and competencies.
- Departures (including retirements).
- Organization structure in view of possible expanded mandate.
- Employee engagement/morale.
- Employment Equity – designated group representation.
- Workplace well-being.

Clients / Stakeholders / Partners

- The Chief of the Defence Staff (CDS), who makes a final decision on a grievance on the basis of the findings and recommendations submitted by the Board.
- The grievor, who is the ultimate beneficiary of the decision rendered by the CDS.
- The Vice Chief of the Defence Staff (VCDS) who has the functional responsibility for the grievance system in the Canadian Forces.
- Members of the CF.
- Parliament (to whom the CFGB reports on an annual basis).
- Other organizations involved in similar matters, such as the Director General, Canadian Forces Grievance Authority, the Office of the Ombudsman, the Judge Advocate General and the office dealing with conflict management in DND.
- Former military members; veterans associations and families of both former and current members of the military.
- Department of Justice.
- Other quasi-judicial organizations.
- Central agencies in government.
- Specialized media and military opinion leaders.

SECTION II – ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Analysis by Program Activity

Strategic Outcome: Findings and Recommendations of the Canadian Forces Grievance Board are implemented and lead to improved conditions of service for members of the Canadian Forces.

Program Activity: Review of Canadian Forces grievances referred by the Chief of the Defence Staff.

Financial Resources: ($ thousands)

2008-09	2009-10	2010-11
$3,354	$3,354	$3,354

Human Resources:

2008-09	2009-10	2010-11
28	28	28

Enabling Activities: Internal Services (Corporate and Administrative Services)

Financial Resources: ($ thousands)

2008-09	2009-10	2010-11
$3,082	$3,082	$3,082

Human Resources:

2008-09	2009-10	2010-11
18	18	18

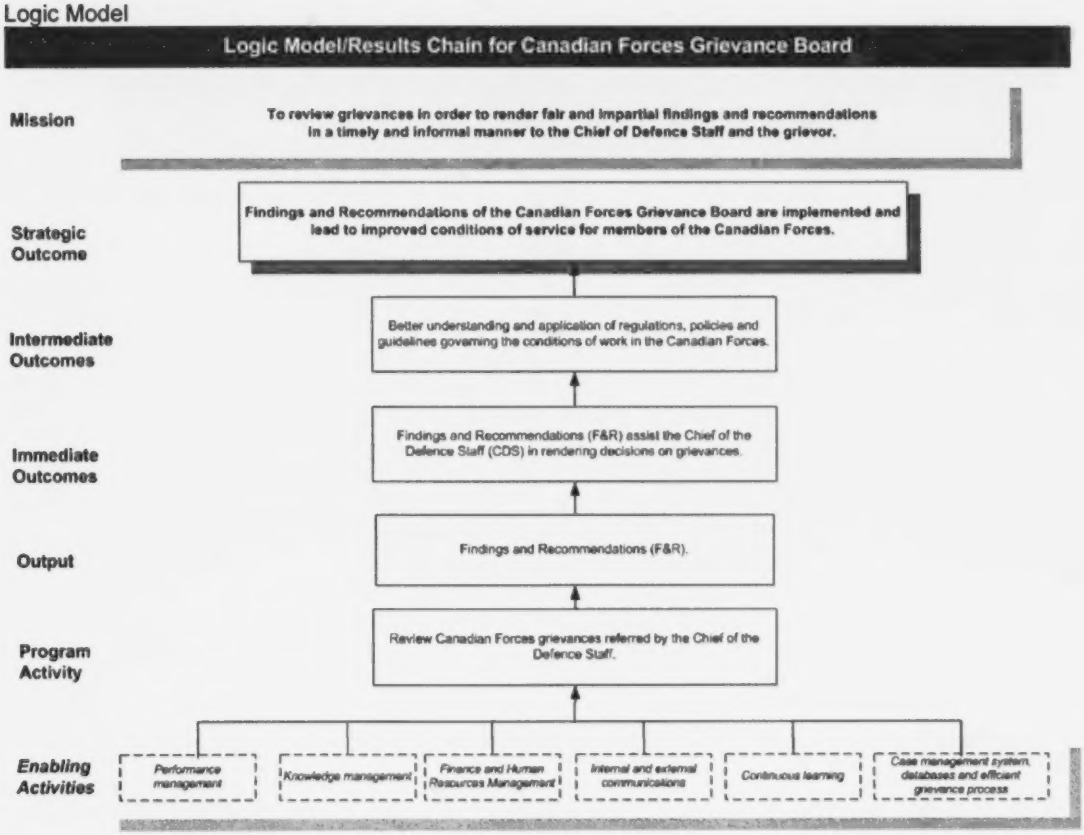
The Board conducts objective and transparent reviews of grievances with due respect to fairness and equity for each member of the CF, regardless of rank or position. It ensures that the rights of military personnel are considered fairly throughout the process and that its Board Members act in the best interest of the parties concerned. The findings and recommendations it issues are not only based in law but form precedents that may facilitate change within the CF. Administrative tribunals, such as the Board, provide a mechanism outside the courts for the expeditious resolution of complex and particular matters. Acting independently of the government, tribunals have the power to make decisions through enabling statutes of Parliament. Such powers permit the tribunal to determine the existence and scope of rights and obligations in a particular field of expertise. These powers are to be exercised in accordance with the public interest and the specific circumstances prevailing in the tribunal's area of activity.

As an administrative tribunal designed to review grievances, the Board must ensure that its recommendations comply with the law and can be implemented in accordance with its enabling legislation, relevant human rights legislation and the Canadian Charter of Rights and Freedoms. Canadian courts have also rendered several decisions on a wide range of subjects and Board Members must keep abreast of these, as well as the current *Queen's Regulations and Orders for the Canadian Forces* (QR&O), the Canadian Forces Administrative Orders (CFAO) and Treasury Board policies, all of which are used in the course of analyzing grievances and developing findings and recommendations.

Expected Results

The Board's Results Chain or Logic Model demonstrates how each of the items contributes to the fulfillment of the Board's mission and the achievement of its ultimate or strategic outcome.

Logic Model


Logic Model/Results Chain for Canadian Forces Grievance Board
Mission
To review grievances in order to render fair and impartial findings and recommendations in a timely and informal manner to the Chief of Defence Staff and the grievor.
Strategic Outcome
Findings and Recommendations of the Canadian Forces Grievance Board are implemented and lead to improved conditions of service for members of the Canadian Forces.
Intermediate Outcomes
Better understanding and application of regulations, policies and guidelines governing the conditions of work in the Canadian Forces.
Immediate Outcomes
Findings and Recommendations (F&R) assist the Chief of the Defence Staff (CDS) in rendering decisions on grievances.
Output
Findings and Recommendations (F&R).
Program Activity
Review Canadian Forces grievances referred by the Chief of the Defence Staff.
Enabling Activities
Performance management
Knowledge management
Finance and Human Resources Management
Internal and external communications
Continuous learning
Case management system, databases and efficient grievance process

Performance Measurement Strategy

PLANNED OUTCOMES AND RESULTS	PERFORMANCE INDICATORS
Outputs Findings and Recommendations (F&R): These are the outputs produced and the benefits to the CDS, who makes a decision on the basis of the recommendations submitted by the Board, and the grievor, who is the ultimate beneficiary of the decision rendered by the CDS.	
Expected Result 1 Fair, impartial and transparent Findings and Recommendations.	**Indicator 1.** % of survey responses from grievors satisfied with the fairness, impartiality and transparency of the Board's Findings and Recommendations. **Data source:** Feedback form sent to grievors **Target:** 75% agreement
Expected Result 2 Findings and Recommendations delivered expeditiously	**Indicator 1.** % of CFGB's grievance process timeline standards met. **Data source:** CFGB's Case Management System **Target:** Established standards are being met 75% of the time.
	Indicator 2. Closure rate of disposition of cases over a 3 year average. **Data source**: CFGB's Case Management System **Target:** 1:1 closure rate
Immediate Outcome: These are the short-term results of the Board's activities and its output.	
Expected Result Findings and Recommendations (F&R) assist the Chief of the Defence Staff (CDS) in rendering decisions on grievances.	**Indicator 1.** % of CDS Decisions in agreement with CFGB's recommendations. **Data source:** CDS Decisions on cases **Target:** CDS agrees with 80% of CFGB's recommendations.

PLANNED OUTCOMES AND RESULTS	PERFORMANCE INDICATORS
Intermediate Outcomes: These are the longer term results, i.e., about 5 years, that flow from its activities, outputs and immediate outcomes, and which will demonstrate progress towards achieving CFGB's ultimate result.	
Expected Result Better understanding and application of regulations, policies and guidelines governing the conditions of work in the Canadian Forces.	**Indicator 1.** % of systemic recommendations that merit further study.* **Data source:** Review of progress through Canadian Forces (CF) Office of Primary Interest (OPI) **Target:** 75% of recommendations that merit further study are accepted. ** Success regarding this performance indicator will be assessed through formal evaluations every 5 years*
	Indicator 2. % of CDS agreement with the Board's recommendations regarding interpretation and application of regulations, policies and guidelines.* **Data source:** CDS Decisions on cases. **Target:** 80% agreement ** Success regarding this performance indicator will be assessed through formal evaluations every 5 years*
Ultimate Outcome: This is the long-term result that logically flows from the work conducted by the Board, and it is expected that it will take about 10 years before seeing substantial evidence of this result. It is to be noted that the achievement of this ultimate result may be subject to influences beyond CFGB's work.	
Findings and Recommendations of the Canadian Forces Grievance Board are implemented and lead to improved conditions of service for members of the Canadian Forces (CF).	**Indicator 1.** % of survey respondents indicating that the Board has contributed to changes to CF regulations, policies and procedures.* **Data source:** Periodic evaluations (survey based) with stakeholders. **Target:** 70% agreement ** Success regarding this performance indicator will be assessed through formal evaluations every 5 years*

SECTION III – SUPPLEMENTARY INFORMATION

Table 1 - Departmental links to the Government of Canada Outcomes

Alignment of program activity and strategic outcomes to Government of Canada outcomes: Federal Organizations that support all Government of Canada outcomes.

Strategic Outcome: Findings and Recommendations of the Canadian Forces Grievance Board are implemented and lead to improved conditions of service for members of the Canadian Forces.

($ thousands)	Expected Results	Planned Spending 2008-2009	Planned Spending 2009-2010	Planned Spending 2010-2011	Alignment to Government of Canada Outcome area
Program Activity: Review of Canadian Forces grievances referred by the Chief of the Defence Staff	■ Fair, impartial and transparent Findings and Recommendations delivered expeditiously. ■ Findings and Recommendations (F&R) assist the CDS in rendering decisions on grievances. ■ Better understanding and application of regulations, policies and guidelines governing the conditions of work within the CF.	3,354	3,354	3,354	Government Affairs
Enabling Activities: Internal Services (Corporate and Administrative Services)	■ Sound internal management practices in accordance with the Treasury Board of Canada Secretariat (TBS) Management Accountability Framework (MAF)	3,082	3,082	3,082	Government Affairs

Table 2: Services Received Without Charge

The reader may obtain information on the Services Received Without Charge table by accessing the Treasury Board Secretariat's website at: http://www.tbs-sct.gc.ca/est-pre/20082009/p3a_e.asp

Contacts for Further Information

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Fax: (613) 996-6491
(613) 995-8201
(613) 992-6979

Annual and Board Reports

Visit the Board's Web site at http://www.cfgb-cgfc.gc.ca/ for more information about its work, case summaries, and other additional reports.